

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD WAYNE DOMINGUES,

No. C 13-04642 YGR (PR)

Petitioner,

**ORDER GRANTING REQUEST FOR  
EXTENSION OF TIME FOR  
PETITIONER TO FILE HIS PETITION**

v.

RONALD RACKLEY, Warden,

Respondent.

On October 7, 2013, Petitioner, a state prisoner, filed a document with the Court in the instant case, which was opened as a habeas corpus action. On the same day the action was filed the Clerk of the Court sent a notice to Petitioner informing him that his action could not go forward until he filed with the Court a 28 U.S.C. § 2254 habeas petition form, completed in full, within twenty-eight days or his action would be dismissed.

Before the Court is Petitioner's motion for an extension of time to file his petition.

Good cause appearing, the request is GRANTED. The time in which Petitioner may file his petition will be extended up to and including **twenty-eight (28) days** from the date of this Order.

If Petitioner fails to file a completed § 2254 habeas petition form within the twenty-eight-day deadline, this case will be closed for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure. *See Link v. Wabash R.R.*, 370 U.S. 626, 633 (1962) (pursuant to Rule 41(b), a district court may *sua sponte* dismiss an action for failure to prosecute or to comply with a court order); *see also Malone v. United States Postal Serv.*, 833 F.2d 128, 133 (9th Cir. 1987) (the district court should afford the litigant prior notice before dismissing for failure to prosecute).

The Clerk shall send Petitioner a blank § 2254 habeas petition form.

This Order terminates Docket No. 11.

IT IS SO ORDERED.

DATED: February 12, 2014

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE